

V. L. A. asks the Utah Labor Commission to review Administrative Law Judge Sessions' decision regarding Ms. A.'s claim for benefits under the Utah Workers' Compensation Act ("the Act"; Title 34A, Chapter 2, Utah Code Annotated).

The Labor Commission exercises jurisdiction over this motion for review pursuant to Utah Code Annotated §63-46b-12 and §34A-2-801(3).

### **BACKGROUND AND ISSUE PRESENTED**

On February 13, 2003, while working for Millcreek Youth Center, Ms. A. injured her low back. On November 24, 2004, she filed an application to compel Millcreek Youth Center and its insurance carrier, Workers Compensation Fund (referred to jointly as "Millcreek" hereafter), to pay medical and disability compensation for injury to vertebrae and muscles in her back, as well as related surgeries and infections.

Judge Session held an evidentiary hearing on Ms. A.'s application on July 20, 2005, and then appointed a medical panel to consider the medical aspects of the claim. The panel submitted its report on December 7, 2005, concluding that Ms. A.'s exertion at Millcreek on February 13, 2003, caused only a temporary aggravation of Ms. A.'s preexisting back problems. On March 3, 2006, Judge Sessions issued his decision adopting the panel's findings and limiting Ms. A.'s workers' compensation benefits accordingly.

Ms. A. now challenges Judge Sessions' reliance on the medical panel's conclusions. Ms. A. contends the medical panel ignored the opinions of the physicians who actually treated her. Ms. A. also argues that Judge Sessions failed to independently evaluate all the medical evidence before accepting the medical panel's conclusions.

### **DISCUSSION**

Ms. A.'s medical records establish that, even before her work accident at Millcreek on February 13, 2003, she suffered spinal problems and experienced back and leg pain. Then, as a result of her work-related exertions on February 13, 2003, she experienced "soreness" in her back. Several weeks later, she underwent the first of several spine surgeries. These surgeries led to serious infections. As a result of Ms. A.'s back problems, surgeries, and complications, she now has a 31% permanent whole person impairment. The fundamental issue before the Commission is whether there is a medical causal relationship between Ms. A.'s work and injury at Millcreek, and her subsequent surgeries, complications, and impairment.

Ms. A.'s medical providers have attributed her need for surgery to her work activities at Millcreek on February 13, 2003. On the other hand, Millcreek's medical consultants express the contrary opinion that the events at Millcreek caused only a temporary aggravation to Ms. A.'s pre-existing spine condition. The impartial medical panel appointed by Judge Sessions essentially reaches the same conclusion as Millcreek's medical experts, that Ms. A.'s work at Millcreek

temporarily aggravated her preexisting spinal problems, but that Ms. A. recovered from this temporary aggravation and returned to her baseline condition by approximately February 27, 2003. The panel found no medical causal connection between Ms. A.'s work at Millcreek and her subsequent medical problems and impairment.

While noting the difference of opinion between Ms. A.'s medical providers on one hand and the opinion of the medical panel and Millcreek's medical experts on the other, the Commission finds the medical panel's opinion persuasive. The panel members themselves are impartial in this matter, with no ties to either Ms. A. or Millcreek. The panel had the benefit of a collegial review of all Ms. A.'s medical records, as well as the opinions of the parties' own medical experts. The panelists also had the opportunity to personally examine Ms. A.. Based on the foregoing resources, the panel issued a well-reasoned report that identifies the objective and subjective bases for its conclusions. In contrast, the opinions submitted by Ms. A.'s treating physicians provide relatively little explanation or analysis.

For the foregoing reasons, the Commission accepts the medical panel's report and opinion as establishing the correct medical facts of Ms. A.'s claim. The Commission therefore concurs with Judge Sessions' determination that Ms. A. is entitled to workers' compensation benefits only for temporary aggravation of her pre-existing back problems.

### **ORDER**

The Commission affirms and adopts Judge Sessions' decision and denies Ms. A.'s motion for review. It is so ordered.

Dated this 15<sup>th</sup> day of May, 2006.

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R. Lee Ellertson  
Utah Labor Commissioner